
Fauquier County Bonding Guidelines and Procedures

January 2002

Bond Estimates — General

Erosion and sediment controls, stormwater management structures, site improvements, and items specifically proffered for individual site plans and subdivision plans as identified on an approved plan must be bonded prior to issuance of Land Disturbance Permits. The bond estimate must be signed and sealed by a licensed professional engineer and must provide unit pricing for individual items plus a 25 percent contingency. This estimate shall be accompanied by one copy of the signature set of plans (signatures need not be original).

The Bonding Administrator will review the estimate in accordance with the information contained herein (see Bonding Guidelines heading for more information) and will respond in writing within 30 days to establish the bond amount and the corresponding Land Disturbance Permit fee. Should additional information be required to process the bond request, the Bonding Administrator will notify the applicant in writing.

Submission of Bond Documents

Once the bond estimate has been established, the applicant shall submit the bond documents to the Department of Community Development for review and approval. The bond package must include the following information:

- The completed Land Developer's Agreement submitted on company letterhead, complete with company name, address, phone and fax numbers; and
- The bond (Letter of Credit, Surety Bond, or Cash) in the established amount.

The Land Developer's Agreement is a legal, binding contract between the developer and the County that specifies the manner and the date by which the physical site improvements indicated on the approved plan shall be completed. The agreement must be supported by an approved bond. **The minimum time period allowed for agreements is one year.** The time period of the bond shall match the time period established in the agreement. The only exception to this requirement is for Letters of Credit, which must be valid for three additional months beyond the period established in the agreement. Approved form language is available from the Department of Community Development for Land Developer's Agreements, Letters of Credit, and Surety Bonds. Inquiries about the status of bond review should be directed solely to the Department of Community Development.

Fauquier County Bonding Guidelines and Procedures

January 2002

The applicant may submit the Land Disturbance Permit Application concurrent with the bond package in an effort to streamline the overall permitting process. Upon approval of the bond documents, the Land Disturbance Permit will be forwarded to the Director of Community Development for final approval. **A Land Disturbance Permit shall not be issued for any project until the bond documents have been approved.**

Bond and Agreement Extensions

It is the responsibility of the developer to ensure the bond associated with the project is maintained and extended as needed until the project is completed and approved for release. The Developer's Agreement may be extended for up to five years beyond the signature date by extending the bond for that period. This extension provision should not be misinterpreted to imply that extending the bond is an acceptable substitution for completing the improvements depicted on the approved plan.

The Department of Community Development will provide one notification approximately 60 days prior to the expiration date of individual bonds as resources and other staff commitments permit. The notification will be sent to the developer at the address specified in the Developer's Agreement and will be copied to the lending institution that issued the current bond on file.

An original notice of extension must be received prior to the expiration date of the bond. Should an original notice not be received prior to the expiration date, the County may perfect the bond to ensure the improvements indicated on the approved plan may be completed.

In the event that a project will not be completed within the maximum five-year period allowed under the current Developer's Agreement, the developer must submit a new Developer's Agreement and bond to the County for consideration and approval. The County reserves the right to modify the bond amount associated with any project for which a new Developer's Agreement is requested to ensure that the bond adequately reflects current market conditions.

Submission of Requests for Bond Reduction and Release

Bonded projects will be eligible for reduction only where it can be demonstrated that infrastructure improvements are progressing concurrent with associated site improvement requirements.

Fauquier County Bonding Guidelines and Procedures

January 2002

Bond reductions may occur at two demonstrated project completion stages: 30 percent and 70 percent. The improvements must be installed properly, protected against damage, and deemed to be in a stable, new condition. Bond releases may be requested when a project can be demonstrated to be 100 percent complete with all proposed improvements properly installed and protected against damage. All items identified in previous reduction requests must have been addressed at the time of the release request. Additionally, final releases are subject to acceptance of the improvements by the appropriate agencies.

Requests for bond reductions or releases must be submitted to the Bonding Administrator in writing and must be accompanied by the appropriate fee. The request must specify the name of the project, location of the project (intersecting street and route number), and the Magisterial District within which the project falls. The letter must be accompanied by an itemized reduction/release request signed and sealed by a licensed professional engineer. No more than three requests may be submitted in any one 12-month period.

All reduction and release requests will be processed against the most current approved plan. The Bonding Administrator or his/her designee will conduct a site inspection to verify that the requested items have been completed and are in an acceptable (stable) condition. The Bonding Administrator will also notify the Planning Commission and the Board of Supervisors of the request and provide them with an opportunity to comment.

Please note that bonding for improvements that are to be accepted by other agencies (e.g., the Virginia Department of Transportation, the Fauquier County Water and Sanitation Authority, etc.) cannot be released until the improvements have been formally accepted and taken over for operation and maintenance by the appropriate agency. [These acceptances are useful in determining the timing of reduction and release requests (see Bonding Guidelines heading for more information)].

The County generally conducts joint bond reduction inspections with the Virginia Department of Transportation (VDOT) to better inform applicants of items that require corrective measures. This approach assists in streamlining both the bond reduction and the street acceptance process.

The Bonding Administrator will respond to all reduction and release requests in writing within 30 days.

Fauquier County Bonding Guidelines and Procedures

January 2002

Bonding Guidelines

The bonding guidelines outlined within this section are intended to provide more specific guidance to the development community as to how bond estimates are reviewed and how reduction and release requests are processed.

Bond Estimate Review

- Bond estimates will be reviewed using the Standard Unit Price List for Fauquier County. In addition to the unit prices specified for individual items, the updated Unit Price List establishes minimums for several items.
- The Unit Price List and the associated Bonding Guidelines will be updated, as needed, on an annual basis.
- Estimates must be provided for all infrastructure and related improvements depicted on the approved plan and are not limited to items listed on the Unit Price List.

Bond Reduction/Release

- No more than 80 percent of any line item can be reduced prior to the final release.
- No reduction will be authorized for stormwater management (SWM) or best management practice (BMP) facilities prior to submission and acceptance of an as-built analysis.
- The SWM/BMP and related landscape portion of the bond is not eligible for reduction or release until a one-year stabilization period has passed.
- Base stone for roadway improvements will only be released after base paving is completed.
- Surface asphalt and shoulder stone will not be released on public roads until the road has been accepted by VDOT (see Street Acceptance Procedure).
- Water and sewer reductions will not be approved without written authorization from the appropriate water and sewer authority. The applicant shall be responsible for providing this information.

Fauquier County Bonding Guidelines and Procedures

January 2002

- Permanent seeding will not be reduced until a one-year stabilization period has passed.
- The erosion and sediment control maintenance line item is not eligible for reduction/release until the project is fully stabilized.

Street Acceptance Procedure

Public Streets - Street Addition Process:

Inspection

Fauquier County and the Virginia Department of Transportation (VDOT) will conduct an inspection of the streets to ensure they were constructed in accordance with the approved plans and all County and VDOT standards. Per VDOT requirements, if there are any outstanding charges, the street acceptance will not be processed until the charges have been paid.

Paperwork

After VDOT and Fauquier County are satisfied that the street is constructed properly, the developer will need to provide the following information to Fauquier County:

- A copy of the letter from VDOT indicating that the streets are eligible for acceptance.
- Two (2) full size copies of the plat, signed by the Fauquier County Chief of Planning.
- Two (2) copies of the recorded deed and plat with the deed book and page number depicting the location of the right-of-way dedicated to Fauquier County for public street purposes.
- A CE-7 permit package from each utility that has facilities within the dedicated right-of-way. The package shall include an original permit application form signed by the appropriate utility company, and two (2) plans showing the exact location of the facilities. There is no fee associated with the permit. The permit should be specific as to the size and type of facilities installed.

Fauquier County Bonding Guidelines and Procedures

January 2002

Resolution

Fauquier County will prepare a resolution package that includes the following items:

- A written sample resolution including the street name(s), deed book and page number, and appropriate section number of the Code of Virginia.
- A Site Location Map printed from the Fauquier County GIS system showing the street(s) to be accepted into the state maintenance system.
- VDOT Form SR-5(A) describing the streets to be accepted, including the street name, right-of-way width, deed book and page numbers, and street length.

Prior to submitting the resolution package to the Board of Supervisors, Fauquier County will send VDOT a copy of the package for review. Following VDOT review, the package will then be submitted by Fauquier County to the Board of Supervisors for action. After the resolution is acted upon by the Board, an original signed resolution will be submitted to VDOT.

Surety and Maintenance Fee

After the Fauquier County Board of Supervisors has passed the resolution, the developer will need to provide a surety and a maintenance fee to VDOT. The maintenance fee is calculated based on the total length of street(s) being accepted in the subdivision, prorated for the number of months remaining in the fiscal year. The surety can be in the form of a Letter of Credit, Bond, Cash, or Escrow Agreement. The total length of street(s) being accepted in the subdivision also determines the amount of the surety. The corresponding amounts for both the surety and the maintenance fee can be found in the "Subdivision Street Requirements" manual published by VDOT.

Final Package

After the surety, maintenance fee, and signed resolution are received by VDOT, the final package will be prepared and sent to the Secondary Roads Division in VDOT's Central Office for review and submission to the Commonwealth Transportation Board. Streets will not be considered accepted until they are formally accepted by the Commonwealth Transportation Board.

Fauquier County Bonding Guidelines and Procedures

January 2002

Final Acceptance

A report will be sent to the Land Development/Permit Section of the Warrenton Residency indicating the route number and date the streets were accepted into the maintenance system. A copy of that report will be distributed to Fauquier County. The final bond release request should not be submitted until the streets have been formally accepted by the Commonwealth Transportation Board.

Private Streets:

- A statement of completion signed and sealed by a licensed professional engineer must be submitted to the Bonding Administrator to certify that the road and associated improvements have been installed as identified on the approved plan.
- The Bonding Administrator or his/her designee will conduct a site inspection to verify the information submitted.
- Upon satisfactory inspection, the items associated with the road infrastructure will be eligible for release.

Unit Price List

- Available from the Department of Community Development upon request.